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GOVERNOR



HAROLD LEGGETT, Ph.D.
SECRETARY

State of Louisiana
DEPARTMENT OF ENVIRONMENTAL QUALITY
ENVIRONMENTAL SERVICES

NOV 24 2009

Certified Mail# 7009 2250 0003 8966 0540

File No.: LAS000101
AI No.: 90427
Activity No.: PER20090001

Mr. Dale Campau, Ph.D., Environmental Coordinator
Environmental Division
Department of Public Works
City of Baton Rouge/Parish of East Baton Rouge
P. O. Box 1471
Baton Rouge, LA 70821-1471

RE: Draft Louisiana Pollutant Discharge Elimination System (LPDES) renewal permit for the Regulated Municipal Separate Storm Sewer Systems within East Baton Rouge Parish Owned or Operated by the City of Baton Rouge/Parish of East Baton Rouge, Louisiana Department of Transportation and Development (District 61), Louisiana State University, Southern University, the City of Baker, the City of Zachary, and the City of Central.

Dear Mr. Campau:

The Department of Environmental Quality proposes to reissue an LPDES permit with the effluent limitations, monitoring requirements, and special conditions listed in the attached DRAFT PERMIT. Please note that this is a DRAFT PERMIT only and as such does not grant any authorization to discharge. Authorization to discharge in accordance with this permit action will be granted only after all requirements described herein are satisfied and by the subsequent issuance of a FINAL PERMIT.

This Office will publish a public notice one time in a local newspaper of general circulation, and in the Department of Environmental Quality Public Notice Mailing List. A copy of the public notice containing the specific requirements for commenting to this draft permit action will be sent under separate cover at the time the public notice is arranged. In accordance with LAC 33:IX.6521.A, the applicant shall receive and is responsible for paying the invoice(s) from the newspaper(s). LAC 33:IX.6521.A states, "...The costs of publication shall be borne by the applicant."

Municipal Separate Storm Sewer Systems (MS4s) within East Baton Rouge Parish
RE: LAS000101 / AI: 90427 / PER20090001
Page 2

Pursuant to LAC 33.IX.1309.I, LAC 33.IX.6509.A.1 and LAC 33.I.1701, you must pay any outstanding fees to the Department. Therefore, you are encouraged to verify your facility's fee status by contacting LDEQ's Office of Management and Finance, Financial Services Division at (225) 219-3863. Failure to pay in the manner and time prescribed could result in applicable enforcement actions as prescribed in the Environmental Quality Act, including, but not limited to revocation or suspension of the applicable permit, and/or assessment of a civil penalty against you.

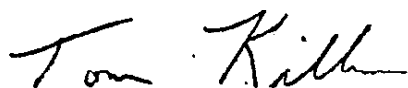
The invoice, fee rating sheets, and a copy of the fee regulations will be sent under a separate cover letter as applicable. Please note that a copy of the fee rating worksheet is also attached to this draft permit. A copy of the entire Louisiana Water Quality Regulations may be obtained from the Department's website at <http://www.deq.louisiana.gov/planning/regs/index.htm> or from the LDEQ Office of Environmental Assessment, Post Office Box 4314, Baton Rouge, Louisiana 70821-4314, (225) 219-3236.

Please be advised that according to La. R.S. 48:385 any discharge to a state highway ditch, cross ditch, or right-of-way shall require approval from the Louisiana Department of Transportation and Development, Post Office Box 94245, Baton Rouge, Louisiana 70804-9245, (225) 379-1234 and from the Department of Health and Hospitals, Office of Public Health, Center for Environmental Health Services, P. O. Box 4489, Baton Rouge, Louisiana 70821-4489, (225) 342-7395.

To ensure that all correspondence regarding this facility is properly filed into the Department's Electronic Document Management System, please reference your Agency Interest (AI) number 90427 and LPDES permit number LAS000101 on all future correspondence to the Department.

Should you have any questions concerning any part of the DRAFT PERMIT or fee rating worksheet, please feel free to contact Linda Gauthier, Office of Environmental Services, at the address on the preceding page, by telephone at (225) 219-0801, or by e-mail at linda.gauthier@la.gov.

Sincerely,



Tom Killeen, Environmental Scientist Manager
Municipal and General Water Permits Section

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Attachment(s): Permit Parts I-VIII, Fee Sheet, Fact Sheet, Public Notice, Storm Water Management Plan

Municipal Separate Storm Sewer Systems (MS4s) within East Baton Rouge Parish
 RE: LAS000101 / AI: 90427 / PER20090001
 Page 3

c: IO-W

cc: Linda Gauthier
 Water Permits Division

Jan Cedars
 Water Permits Division

Supervisor, Louisiana Field Office
 US Fish and Wildlife Service

Gayle Denino
 Office of Management & Finance

Chief Public Health Engineer
 Office of Public Health
 Department of Health and Hospitals

PCU Coordinator
 Office of Environmental Compliance

Chief Engineer
 Dept. of Transportation & Development

Mr. Ronnie Robinson
 Dept. of Transportation & Development
ronnie.l.robinson@la.gov

Mr. Dale Campau
 EBR Parish DPW Env't. Coordinator
dcampau@brgov.com

Mr. Jim Mayne
 Louisiana State University
jpmayne@lsu.edu

Mr. Robert Nissen
 Southern University
robert_nissen@subr.edu

Mr. Tony Moudgil
 Southern University
moudgilsu@aol.com

Julie McCulloch
 City of Baker
jmcculloch@cityofbakerla.com

Mr. Chris Davezac
 City of Zachary
Chris.davezac@cityofzachary.org

Ms. Bianca Carambat
 PEC Corporation
bcarambat@pecla.com

Mr. Paul Frederick
 USGS
pfreder@usgs.gov

Mr. Ron Sigler
 City of Central
ron.sigler@centralgov.com

Mary David
 Capital Regional Office
Mary.david@la.gov

Brent Larsen
 EPA Region VI, NPDES Permits Branch
Larsen.Brent@epamail.epa.gov



PERMIT NUMBER:
LAS000101
AI 90427 / PER20090001

OFFICE OF ENVIRONMENTAL SERVICES
Water Discharge Permit

DRAFT

AUTHORIZATION TO DISCHARGE UNDER THE
LOUISIANA POLLUTANT DISCHARGE ELIMINATION SYSTEM

Pursuant to the Clean Water Act, as amended (33 U.S.C. 1251 et seq.), and the Louisiana Environmental Quality Act, as amended (La. R.S. 30:2001 et seq.), rules and regulations effective or promulgated under the authority of said Acts, this Louisiana Pollutant Discharge Elimination System (LPDES) permit is issued authorizing:

City of Baton Rouge/Parish of East Baton Rouge (AI 90427)
Louisiana Department of Transportation and Development (District 61) (AI 113707)
Louisiana State University (LSU) (AI 113708)
Southern University (SU) (AI 113710)
City of Baker (AI 113711)
City of Zachary (AI 113712)
City of Central (AI 165591)

to discharge from all portions of the City of Baton Rouge/Parish of East Baton Rouge Municipal Separate Storm Sewer System (MS4) owned or operated by any permittee listed above, to waters of the State, in accordance with the Storm Water Management Programs, effluent limitations, monitoring requirements, and other conditions set forth in Parts I, II, III, IV, V, VI, VII, and VIII herein.

This permit shall become effective on

This permit and the authorization to discharge shall expire five (5) years from the effective date of the permit.

Issued on

(NOT FOR SIGNATURE)

Cheryl Sonnier Nolan
Assistant Secretary

**CITY OF BATON ROUGE/PARISH OF EAST BATON ROUGE, LOUISIANA
MUNICIPAL SEPARATE STORM SEWER SYSTEMS**

TABLE OF CONTENTS

COVER PAGE

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT

- A. Permit Area
- B. Authorized Discharges
- C. Permittee Responsibilities

PART II. STORM WATER POLLUTION PREVENTION & MANAGEMENT PROGRAM

- A. Storm Water Management Program (SWMP) Requirements
- B. Area-specific SWMP Requirements
- C. Deadlines for Program Implementation
- D. Roles and Responsibilities of Permittees
- E. Legal Authority
- F. SWMP Resources
- G. SWMP Review and Update
- H. Retention of SWMP Records

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE

- A. Implementation and Augmentation of the SWMP
- B. Reporting Compliance with Schedules
- C. Updating Storm Water Management Program

PART IV. DISCHARGE LIMITATIONS

- A. Discharge Limitations

PART V. MONITORING AND REPORTING REQUIREMENTS

- A. Storm Event Discharges
- B. Floatables Monitoring
- C. Annual Report
- D. Certification and Signature of Reports
- E. Reporting: Where and When to Submit

PART VI. STANDARD PERMIT CONDITIONS

- A. Duty to Comply
- B. Penalties for Violations of Permit Conditions
- C. Duty to Reapply

LAS000101 / AI 90427

- D. Need to Halt or Reduce Activity not a Defense
- E. Duty to Mitigate
- F. Duty to Provide Information
- G. Other Information
- H. Signatory Requirements
- I. Penalties for Falsification of Monitoring Systems
- J. Oil and Hazardous Substance Liability
- K. Property Rights
- L. Severability
- M. Requiring a Separate Permit
- N. State/Environmental Laws
- O. Proper Operation and Maintenance
- P. Monitoring and Records
- Q. Monitoring Methods
- R. Inspection and Entry
- S. Permit Actions
- T. Additional Monitoring by the Permittee(s)

PART VII. PERMIT MODIFICATION

- A. Modification of the Permit
- B. Termination of Coverage for a Single Permittee
- C. Modification of SWMPs
- D. Changes in Monitoring Outfalls

PART VIII. DEFINITIONS**ADDENDUM A: FACT SHEET****ADDENDUM B: STORM WATER MANAGEMENT PLAN**

PART I. DISCHARGES AUTHORIZED UNDER THIS PERMIT.

- A. **Permit Area.** This permit covers all areas, except agricultural lands, located within the parish boundary of East Baton Rouge Parish that are served by municipal separate storm sewers owned or operated by the permittees. The areas include the City of Baton Rouge, Louisiana State University (LSU), Southern University (SU), the City of Baker, the City of Zachary, the City of Central, and the unincorporated portion of East Baton Rouge Parish.
- B. **Authorized Discharges.**
1. Except as specified in Part I.B.2, this permit authorizes all existing or new storm water point source discharges to waters of the State from those portions of the Municipal Separate Storm Sewer System owned or operated by the permittee(s). Discharges must not be causing or have the reasonable potential to cause or contribute to a violation of in stream water quality criteria or adversely impact the designated uses of a receiving stream. Where a discharge is already authorized under this permit and is later determined to cause or have the reasonable potential to cause or contribute to the violation of an applicable State or Federal Water Quality Standard, the permitting authority will notify the permittee of such violation(s) and the permittee shall take all necessary actions to ensure future discharges do not cause or contribute to the violation of a water quality standard and document these actions in the Storm Water Management Program (SWMP). If violations remain or recur, then coverage under this permit may be terminated by the permitting authority. Compliance with this requirement does not preclude any enforcement activity as provided by the Clean Water Act and the Louisiana Environmental Quality Act for the underlying violation.
 2. The following discharges, whether discharged separately or commingled with municipal storm water, are not authorized by this permit:
 - a. *Non-storm Water and Industrial Storm Water:* discharges of non-storm water; any Storm Water Discharge Associated with Industrial Activity; or other storm water discharges required to obtain an LPDES permit. This permit does not transfer liability for the act of discharging without (or in violation of) an LPDES permit from the operator of the discharge to the permittee(s). See also Part II.A.6 below.
 - b. *Spills:* discharges of material resulting from a spill. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittee(s) shall take, or ensure the responsible party for the spill takes, all reasonable steps to minimize or prevent any adverse effects on human health or the

environment. (See also Part II.A.7 and Part VI.E.) This permit does not transfer liability for a spill itself from the party(ies) responsible for the spill to the permittee(s) nor relieve the party(ies) responsible for a spill from the reporting requirements of LAC 33:I.Subchapters A-E (40 CFR Part 117 and 40 CFR Part 302).

C. Permittee Responsibilities.

1. Each permittee is responsible for:
 - a. Compliance with permit conditions relating to discharges from portions of the Municipal Separate Storm Sewer System where the permittee is the operator;
 - b. Storm Water Management Program implementation on portions of the Municipal Separate Storm Sewer System where the permittee is the operator (including developing and implementing measurable goals for the Stormwater Control Measures (SCMs) used to satisfy the control measures identified in Part II.A.1-12);
 - c. Compliance with annual reporting requirements as specified in Part V.C;
 - d. Collection of representative wet weather monitoring data required by Part V.A, according to such agreements as may be established between permittees; and
 - e. A plan of action to assume responsibility for implementation of storm water management and monitoring programs on their portions of the Municipal Separate Storm Sewer System should inter-jurisdictional agreements allocating responsibility between permittees be dissolved or in default.
2. Permittees are jointly responsible for permit compliance on portions of the Municipal Separate Storm Sewer System where operational or Storm Water Management Program implementation authority over portions of the Municipal Separate Storm Sewer System is shared or has been transferred from one permittee to another in accordance with legally binding agreements.

PART II. STORM WATER POLLUTION PREVENTION AND MANAGEMENT PROGRAM(S).

Each permittee shall contribute to the development, revision and implementation of a comprehensive Storm Water Management Program including pollution prevention measures, treatment or removal techniques, storm water monitoring, use of legal authority, and other appropriate means to control the quality of storm water discharged from the Municipal Separate Storm Sewer System. The Storm Water Management Program shall be implemented in accordance with Section 402(p)(3)(B) of the Act, and the Storm Water Regulations (LAC 33:IX.2511).

Controls and activities in the Storm Water Management Program shall identify areas of permittee responsibility on a jurisdiction, applicability, or specific area basis. The Storm Water Management Program shall include controls necessary to effectively prohibit the discharge of non-storm water into municipal separate storm sewers and reduce the discharge of pollutants from the Municipal Separate Storm Sewer System to the Maximum Extent Practicable (MEP).

Compliance with federal, state and local storm water programs revolves around the use of "stormwater control measures" (SCMs, formerly called BMPs) to manage storm water: 40 CFR 122.44(k)(2) establishes legal authority to include the use of SCMs in permits to control or abate the discharge of pollutants in storm water discharges. Given the water quality and quantity benefits of smart growth at the site, neighborhood, and watershed levels, many smart growth techniques and policies are emerging as SCMs to manage storm water. Where appropriate, you are strongly encouraged to utilize principles and stormwater control measures contained in the following publications to minimize the discharge of pollutants within watersheds: <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm>; and <http://www.nrdc.org/smartgrowth/default.asp>. You must document in your SWMP which smart growth practices you utilize and describe how those practices minimize the discharge of pollutants of concern to any waterbody with an established TMDL.

The Storm Water Management Program shall cover the term of the permit and shall be updated as necessary, or as required by the Secretary or his designee, to ensure compliance with the statutory requirements of LAC 33:IX.2523 and Section 402(p)(3)(B) of the Act. Modifications to the Storm Water Management Program shall be made in accordance with Parts II.G, and III. Compliance with the Storm Water Management Program and any schedules in Permit Part III shall be deemed compliance with Parts II.A, and II.B. The Storm Water Management Program, and all updates made in accordance with Part II.G, is hereby incorporated by reference.

Implementation of the Storm Water Management Program may be achieved through participation with other permittees, public agencies, or private entities in cooperative efforts to satisfy the requirements of Part II in lieu of creating duplicate program elements for each individual permittee. The Storm Water Management Program, taken as a whole, shall achieve the "effective prohibition on the discharge of non-storm water" and "MEP" standards from Section 402(p)(3)(B) of the Act.

On March 31, 2005, the EPA approved both the Louisiana Category 5 Final 2002 Integrated Report and the Category 5 Final 2004 Integrated Report with additions made by the EPA. Both lists have been compiled into one list of 303(d) listed impaired water bodies that require the development of TMDLs. That compilation of the current and complete EPA-approved 2002 and 2004 303(d) lists is titled "Category 5 FINAL 2006 Integrated Report 303(d) List of Impaired Water Bodies: Including EPA's Additions" and is available on the LDEQ website at <http://www.deq.louisiana.gov/portal/tabid/130/Default.aspx>. That list is periodically updated. The permittees should review the list periodically to keep informed of changes to the list and the establishment of TMDLs for listed impairments.

The permittee must document in its SWMP how the SCMs and other controls implemented in its SWMP will control the discharge of any pollutant(s) of concern for discharges into a receiving water which has been listed on the Clean Water Act 303(d) list of impaired waters. If a TMDL has been approved for a waterbody, the permittee will be required to describe how its SWMP is consistent with any TMDL requirements applicable to MS4 discharges into basin subsegments where TMDLs have been established (see Part II.B).

If a TMDL has not yet been approved for a 303(d) listed basin subsegment that receives storm water runoff from the regulated MS4s within East Baton Rouge Parish, then the permittees must describe how the SCMs and other control(s) selected for its SWMP will minimize, to the MEP, the discharge of those pollutants which have been identified as causing the impairment (see Part II.B).

A. Storm Water Management Program Requirements.

1. *Structural Controls and Storm Water Collection System Operation:* The Municipal Separate Storm Sewer System and any storm water structural controls shall be operated in a manner to reduce the discharge of pollutants to the Maximum Extent Practicable.
2. *Post-construction Storm Water Management in New Development and Significant Redevelopment:*
 - a. You must:
 - (1) develop, implement, and enforce a program to address storm water runoff from new development and redevelopment projects that disturb greater than or equal to one acre, including projects less than one acre that are part of a larger common plan of development or sale, that discharge into your MS4. Your program must ensure that controls are in place that would prevent or minimize water quality impacts;

LAS000101 / AI 90427

Part II, Page 3

- (2) develop and implement strategies which include a combination of structural and/or non-structural SCMs appropriate for your community;
 - (3) use an ordinance or other regulatory mechanism to address post-construction runoff from new development and redevelopment projects to the extent allowable under State or local law; and
 - (4) ensure adequate long-term operation and maintenance of SCMs.
- b. You must identify each individual SCM, and its corresponding measurable goal, that you will use in your post-construction storm water management program that is designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:
- (1) A description of your program to address storm water runoff from new development and redevelopment projects. Include in your description any specific priority areas for this program.
 - (2) A description of how your program will be specifically tailored for your local community, how it will minimize water quality impacts, and how it is designed to attempt to maintain pre-development runoff conditions.
 - (3) A description of any non-structural SCMs in your program, including as appropriate:
 - i. Policies and ordinances that provide requirements and standards to direct growth to identified areas, protect sensitive areas such as wetlands and riparian areas, maintain and/or increase open space (including a dedicated funding source for open space acquisition), provide buffers along sensitive water bodies, minimize impervious surfaces, and minimize disturbance of soils and vegetation;
 - ii. Policies or ordinances that encourage infill development in higher density urban areas, and areas with existing storm sewer infrastructure;
 - iii. Education programs for developers and the public about project designs that minimize water quality impacts; and
 - iv. Other measures such as minimization of the percentage of impervious area after development, use of measures to minimize directly connected impervious areas, and source control measures often thought of as good housekeeping, preventive maintenance and spill prevention.
 - (4) Any structural SCMs in your program, including, as appropriate:
 - i. Storage practices such as wet ponds and extended-detention outlet structures;

- ii. Filtration practices such as grassed swales, bioretention cells, sand filters and filter strips; and
 - iii. Infiltration practices such as infiltration basins and infiltration trenches.
- (5) Describe the mechanisms (ordinance or other regulatory mechanism) you will use to address post-construction runoff from new development and why did you choose that mechanism. If you need to develop a mechanism, describe your plan and a schedule to do so. If your ordinance or regulatory mechanism is already developed, include a copy of the relevant sections with your program.
 - (6) Describe how you will ensure the long-term operation and maintenance (O&M) of your selected SCMs. Options to help ensure that future O&M responsibilities are clearly identified include an agreement between you and another party such as the post-development landowners or regional authorities.
 - (7) Describe who is responsible for overall management and implementation of your post-construction storm water management program and, if different, who is responsible for each of the SCMs identified for that control measure.
 - (8) Describe how you will evaluate the success of your Post-construction Storm Water Management in Development and Redevelopment program, including how you selected the measurable goals for each of the SCMs.
- 3. *Roadways:* Public streets, roads, and highways shall be operated and maintained in a manner to minimize discharge of pollutants, including those pollutants related to deicing or sanding activities.
 - 4. *Flood Control Projects:* Impacts on receiving water quality shall be assessed for all flood management projects. The feasibility of retro-fitting existing structural flood control devices to provide additional pollutant removal from storm water shall be evaluated.
 - 5. *Pesticide, Herbicide, and Fertilizer Application:* Each permittee shall implement controls to reduce the discharge of pollutants related to the storage and application of pesticides, herbicides, and fertilizers applied, by the permittee's employees or contractors, to public right of ways, parks, and other municipal property. Permittee(s) with jurisdiction over lands not directly owned by that entity (e.g. incorporated city) shall implement programs to reduce the discharge of pollutants related to commercial application and distribution of pesticides, herbicides, and fertilizers.

6. *Illicit Discharges and Improper Disposal:* Non-storm water discharges to the Municipal Separate Storm Sewer System shall be effectively prohibited, through ordinance, or other regulatory mechanism. The permittees shall describe their plan to ensure through appropriate enforcement procedures and actions that your illicit discharge ordinance (or other regulatory mechanism) is implemented. For the purpose of this permit, the following discharges need not be addressed as illicit discharges by the permittee(s) nor prohibited from entering the Municipal Separate Storm Sewer System: discharges regulated by a separate LPDES permit; discharges for which an LPDES permit application has been submitted; and non-storm water discharges identified by the permittee as specified in item (a) below.

a. Permittee(s) shall identify in the Storm Water Management Program any categories of non-storm water that are not prohibited from being discharged into the Municipal Separate Storm Sewer System, in accordance with conditions described in items (1) and (2) below.

(1) Categories of non-storm water discharges that the permittee(s) may exempt from the prohibition on non-storm water entering the Municipal Separate Storm Sewer System include those either:

(a) listed in LAC 33:IX.2511.D.2.d.ii.(a); or

(b) other similar occasional incidental non-storm water discharges (e.g., non-commercial or charity car washes).

(2) Categories of non-storm water discharges exempted from the prohibition on non-storm water must not be reasonably expected [based on information available to the permittee(s)] to be significant sources of pollutants to the waters of the State, because of either:

(a) the nature of the discharges; or

(b) conditions placed on the discharges by the permittee(s).

The Storm Water Management Program shall describe any local controls or conditions placed on discharges exempted from the prohibition on non-storm water. Permittee(s) shall prohibit any individual non-storm water discharge otherwise exempted under this paragraph from the prohibition on non-storm water that is determined to be contributing significant amounts of pollutants to the Municipal Separate Storm Sewer System.

b. Each permittee shall describe in writing its plan to detect and address illicit discharges to the MS4. The written plan must describe, at a minimum, the following:

- i. Procedures for locating priority areas which includes areas with higher likelihood of illicit connections (e.g., areas with older sanitary sewer lines, for example) or ambient sampling to locate impacted reaches;
- ii. Procedures for tracing the source of an illicit discharge, including the specific techniques you will use to detect the location of the source;
- iii. Procedures for removing the source of the illicit discharge;
- iv. Procedures for program evaluation and assessment;
- v. How you plan to inform public employees, businesses, and the general public of hazards associated with illegal discharges and improper disposal of waste. Include in your description how this plan will coordinate with your public education minimum measure and your pollution prevention/good housekeeping minimum control measures;
- vi. Identify who is responsible for overall management and implementation of your storm water illicit discharge detection and elimination program and, if different, who is responsible for each of the SCMs identified for this program; and
- vii. Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the SCMs.

Each permittee shall implement the following programs to address the discharge of pollutants from sanitary sewers into the Municipal Separate Storm Sewer System:

- (1) an ongoing program for prevention of unpermitted chronic dry and wet weather overflows from the sanitary sewer system (e.g. overflows caused by deteriorated or undersize lines, excessive inflow and infiltration, improper maintenance, etc.);
 - (2) a program for responding to and eliminating, as soon as practicable, unforeseen episodic overflows from the sanitary sewer system (e.g. overflows caused by power outage, line breakage or blockage, vandalism, etc.); and
 - (3) an ongoing program to limit seepage from sanitary sewers into the MS4 (e.g. seepage due to minor cracks in lines, line joints separating due to land subsidence, etc.).
- c. The permittees shall ensure the implementation of a program to reduce the discharge of floatables (e.g. litter and other human-generated solid refuse). The floatables control program shall include source controls and, where necessary, structural controls.

- d. The discharge or disposal of used motor vehicle fluids, household hazardous wastes, and the intentional disposal of collected quantities of grass clippings, leaf litter, and animal wastes into separate storm sewers shall be prohibited. The permittees shall ensure the implementation of programs to collect used motor vehicle fluids (at a minimum, oil and antifreeze) for recycle, reuse, or proper disposal and to collect household hazardous waste materials (including paint, solvents, pesticides, herbicides, and other hazardous materials) for recycle, reuse, or proper disposal. Such programs shall be readily available to all private residents and shall be publicized and promoted on a regular basis.
- e. A program to locate and eliminate illicit discharges and improper disposal into the Municipal Separate Storm Sewer System shall be implemented. This program shall include dry weather screening activities to locate portions of the Municipal Separate Storm Sewer System with suspected illicit discharges and improper disposal (described in Part II.A.11.a). Follow-up activities to eliminate illicit discharges and improper disposal may be prioritized on the basis of magnitude and nature of the suspected discharge; sensitivity of the receiving water; and/or other relevant factors. This program shall establish priorities and schedules for screening the entire Municipal Separate Storm Sewer System at least once per five years. Facility inspections may be carried out in conjunction with other municipal programs (e.g. pretreatment inspections of industrial users, health inspections, fire inspections, etc.), but must include random inspections for facilities not normally visited by the municipality.
- f. Each permittee shall require the elimination of illicit discharges and improper disposal practices as expeditiously as reasonably possible. Where elimination of an illicit discharge within thirty (30) days is not possible, the permittee shall require an expeditious schedule for removal of the discharge. In the interim, the permittee shall require the operator of the illicit discharge to take all reasonable and prudent measures to minimize the discharge of pollutants to the Municipal Separate Storm Sewer System.
- g. The permittees shall maintain, and update as necessary, a list of discharges to municipal separate storm sewers that have been issued an LPDES permit. The list shall include the name, location and LPDES permit number of the discharger;
- h. The permittees shall develop, if not already completed, a storm sewer system map, showing the location of all outfalls and the names and location of all waters of the State that receive discharges from these outfalls;

7. *Spill Prevention and Response:* A program to prevent, contain, and respond to spills that may discharge into the Municipal Separate Storm Sewer System shall be implemented. Where discharge of material resulting from a spill is necessary to prevent loss of life, personal injury, or severe property damage, the permittees shall take, or ensure the responsible party for the spill takes all reasonable steps to minimize or prevent any adverse effects on human health or the environment. The spill response program may include a combination of spill response actions by the permittee(s) (and/or another public or private entity), and legal requirements for private entities within the permittee's municipal jurisdiction.
8. *Industrial & High Risk Runoff:* A program to identify and control pollutants in storm water discharges to the Municipal Separate Storm Sewer System from municipal landfills; other treatment, storage, or disposal facilities for municipal waste (e.g. transfer stations, incinerators, etc.); hazardous waste treatment, storage, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and any other industrial or commercial discharge the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System shall be implemented. The program shall include:
 - a. priorities and procedures for inspections, and establishing and implementing control measures for such discharges;
 - b. a monitoring program (Part II.A.11.c); and
 - c. a list of industrial storm water sources discharging to the Municipal Separate Storm Sewer System shall be maintained and updated as necessary.
9. *Construction Site Runoff:* Each permittee shall develop, implement, and enforce a program to reduce pollutants in any storm water runoff to its MS4 from construction activities that result in a land disturbance of greater than or equal to one acre. Reduction of storm water discharges from construction activity disturbing less than one acre must be included in your program if that construction activity is part of a larger common plan of development or sale that would disturb one acre or more. The extent to which the program will rely upon the LPDES Phase II Construction regulation should be specified. This program shall include the development and implementation of, at a minimum:
 - a. an ordinance or other regulatory mechanism to require erosion and sediment controls, as well as sanctions to ensure compliance, to the extent allowable under State or local law;
 - b. requirements for the use and maintenance of appropriate erosion and sediment control stormwater control measures to reduce pollutants discharged to the Municipal Separate Storm Sewer System during the time construction is underway;

- c. requirements for construction site operators to control waste such as discarded building materials, concrete truck washout (see EPA guidance at <http://cfpub.epa.gov/npdes/stormwater/menuofbmps/index.cfm?action=browse&Rbutton=detail&bmp=117>), chemicals, litter, and sanitary waste at the construction site that may cause adverse impacts to water quality;
- d. procedures for site plan review which incorporate consideration of potential water quality impacts;
- e. procedures for receipt and consideration of information submitted by the public;
- f. notification of appropriate building permit applicants of their potential responsibilities under the LPDES permitting program for construction site runoff; and
- g. procedures for site inspection and enforcement of control measures.

You must identify each individual SCM and its corresponding measurable goal that you will use in your construction site storm water runoff control program that is designed to minimize the discharge of pollutants into your MS4. You must include, at a minimum, the following information:

- a. The mechanism (ordinance or other regulatory mechanism) you will use to require erosion and sediment controls at construction sites and why you chose that mechanism. You are required to include a copy of the relevant section(s) of your ordinance or regulatory mechanism with your SWMP description.
- b. Your plan to ensure compliance with your erosion and sediment control mechanisms, including the sanctions and enforcement mechanisms you will use to ensure compliance. Describe your procedures for determining which sanctions will apply to which infractions (such as your enforcement escalation process). Possible sanctions include non-monetary penalties (such as stop work orders and/or permit denials for non-compliance), as well as monetary penalties such as fines and bonding requirements.
- c. Your requirements for construction site operators to implement appropriate erosion and sediment control SCMs and to control waste at construction sites that may cause adverse impacts to water quality. Examples of such waste might include discarded building materials, concrete truck washout, chemicals, litter, and sanitary waste.
- d. Your procedures for site plan review, including the review of pre-construction site plans, which incorporate consideration of potential water quality impacts. Describe your procedures and the rationale for how you will identify certain sites for site plan review, if your site plan review does not include the review of all pre-construction site plans.

- e. Your procedures for receipt and consideration of information submitted by the public. Consider coordinating this requirement with your public education program.
 - f. Your procedures for site inspection and enforcement of control measures, including how you will prioritize sites for inspection. Include procedures for site inspections and enforcement and control measures including steps to identify priority sites for inspection and enforcement based on the nature of the construction activity, topography, and the characteristics of soils and receiving water quality.
 - g. Who is responsible for overall management and implementation of your construction site storm water control program and, if different, who is responsible for each of the SCMs identified for this program.
 - h. Describe how you will evaluate the success of this minimum measure, including how you selected the measurable goals for each of the SCMs.
10. *Public Education and Outreach on Storm Water Impacts:* A public education program with the following elements shall be implemented:
- a. a program to promote, publicize, and facilitate public reporting of the presence of illicit discharges or improper disposal of materials, including floatables, into the Municipal Separate Storm Sewer System;
 - b. a program to promote, publicize, and facilitate the proper management and disposal of used motor vehicle fluids and household hazardous wastes;
 - c. a program to promote, publicize, and facilitate the proper use, application, and disposal of pesticides, herbicides, and fertilizers by the public and commercial and private applicators and distributors;
 - d. a program to distribute educational materials to the community or conduct equivalent outreach activities about the impacts of storm water discharges on waterbodies and the steps that the public can take to reduce pollutants in storm water runoff;
 - e. a written plan that identifies each individual SCM and its corresponding measureable goal that you will use in your public education and outreach program that is designed to minimize the discharge of pollutants into your MS4;
 - f. a written description of how you plan to inform individuals and households about the steps they can take to reduce storm water pollution;
 - g. a written description of how you plan to inform individuals and groups on how to become involved in the storm water program (with activities such as local stream and beach restoration activities.);

- h. a written description of how you will evaluate the success of this minimum measure, including how you selected the measureable goals for each of the SCMs;
 - i. identify in writing:
 - a. the target audiences for your educational program who are likely to have significant storm water impacts (including commercial, industrial and institutional entities) and why those target audiences were selected;
 - b. the target pollutant sources your public education program is designed to address;
 - c. your outreach strategy, including the mechanisms (e.g., printed brochures, newspapers, media, workshops, etc.) you will use to reach your target audiences, and how many people you expect to reach by your outreach strategy over the term of the permit; and
 - d. identify who is responsible for overall management and implementation of your storm water public education and outreach program and, if different, who is responsible for each of the SCMs identified for your storm water public education and outreach program.
- 11. *Monitoring Programs:* The following monitoring programs shall be implemented in addition to the monitoring required by Part V:
 - a. The *Dry Weather Screening Program* shall continue ongoing efforts to detect the presence of illicit connections and improper discharges to the Municipal Separate Storm Sewer System. All areas of the Municipal Separate Storm Sewer System must be screened at least once during the permit term. Screening methodology may be modified based on experience gained during actual field screening activities and need not conform to the protocol at LAC 33:IX.2511.D.1.d.iv. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (e.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.
 - b. *Wet Weather Screening Program:* The permittees shall identify, investigate, and address areas within their jurisdiction that may be contributing excessive levels of pollutants to the Municipal Separate Storm Sewer System. The wet weather screening program:
 - (1) shall screen the Municipal Separate Storm Sewer System, in accordance with the procedures specified in the Storm Water Management Program.

(2) shall specify the sampling and non-sampling techniques to be used for initial screening and follow-up purposes. Sample collection and analysis need not conform to the requirements of 40 CFR Part 136. However, samples taken to confirm (c.g. in support of possible legal action) a particular illicit connection or improper disposal practice should conform to the requirements of 40 CFR Part 136.

(The following resources may contain helpful information related to Illicit Discharges and Wet Weather and Dry Weather Screening Programs: www.cwp.org and http://www.neiwpcc.org/neiwpcc_docs/iddmanual.pdf.)

- c. The *Industrial and High Risk Runoff Monitoring Program* shall monitor storm water discharges from Type 1 and 2 facilities (as defined below in c(1) and c(2)) which discharge to the Municipal Separate Storm Sewer System. Analytical monitoring data collected by a facility to comply with, or apply for, an LPDES discharge permit (other than this permit) may be used, on a parameter-by-parameter basis, to avoid unnecessary cost and duplication of effort. Frequency of monitoring shall be established by the permittee(s).

(1) Type 1 facilities are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and industrial facilities the permittee(s) determines are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.

(a) Analytical monitoring of the following parameters shall be conducted at Type 1 facilities which discharge to the Municipal Separate Storm Sewer System:

- (i) any pollutants limited in an existing LPDES permit for a subject facility;
- (ii) oil and grease;
- (iii) chemical oxygen demand (COD);
- (iv) pH;
- (v) biochemical oxygen demand, five-day (BOD₅);
- (vi) total suspended solids (TSS);
- (vii) total phosphorus;
- (viii) total Kjeldahl nitrogen (TKN);
- (ix) nitrate plus nitrite nitrogen; and
- (x) any information on discharges required under LAC 33:IX.2501.G.7.a.

(b) In lieu of the above parameter list, the permittees may alter the monitoring requirement for any Type 1 facility:

- i) to coincide with the corresponding industrial sector-specific monitoring requirements of the current LPDES Multi-Sector General Storm Water Permit (May, 2006) or any applicable LPDES general permit. This exception is not contingent on whether a particular facility is actually covered by the general permit; or
- ii) to coincide with the monitoring requirements of any individual permit for the storm water discharges from that facility.

The optional monitoring list must be supplemented by any pollutants of concern identified by the permittee(s) for that facility.

(2) Type 2 facilities are other (non-Type 1) municipal waste treatment, storage, or disposal facilities (e.g., POTWs, transfer stations, incinerators); and industrial or commercial facilities the permittee(s) believe are contributing pollutants to the Municipal Separate Storm Sewer System. Appropriate monitoring (e.g., analytic, visual), as determined by the permittee(s), shall be conducted at Type 2 facilities which discharge to the Municipal Separate Storm Sewer System.

(3) No Exposure Certification: In lieu of analytic monitoring, the permittee(s) may accept a certification from a facility that raw and waste materials, final and intermediate products, by-products, material handling equipment or activities, industrial machinery or operations, or significant materials from past industrial activity are not presently exposed to storm water and are not expected to be exposed to storm water for the certification period. Where the permittee(s) accept a "no exposure" certification, the permittee(s) shall conduct periodic site inspections (not less than once per permit term) to verify facility's "no exposure" exemption.

d. *The 303(d)/TMDL Monitoring Program:*

Discharges to waterbodies where a TMDL is complete but NO WLA has been established for discharges from the MS4 for the pollutants of concern. No monitoring is required.

Discharges to waterbodies where a TMDL is complete and a WLA has been established for discharges from the MS4: You must take quarterly grab samples for the pollutants for which a WLA has been assigned. Take quarterly grab samples at all outfalls draining basins greater than five (5) acres which discharge to a stream for which the

TMDL is applicable. Keep the monitoring data in your storm water management plan and use it to determine if your storm water controls are adequate to maintain compliance with the MS4s WLA. **In accordance with Part V.C.2, include the data/analysis in the Annual Report section on IPRP/PRP.**

Discharges to 303(d) listed streams with an impairment identified as caused by storm water discharges. You must take quarterly grab samples for the pollutant(s) cited in the 303(d) list as caused by storm water discharges. Take quarterly grab samples at all outfalls draining basins greater than five (5) acres which discharge to a stream for which the TMDL is applicable. Keep the monitoring data in your storm water management plan and use it to determine if your storm water controls need to be modified to better control the discharge of the pollutants of concern. **In accordance with Part V.C.2, include the data/analysis in the Annual Report section on IPRP/PRP.**

12. *Pollution Prevention/Good Housekeeping for Municipal Operations:* The permittees must:
 - (1) develop and implement an operation and maintenance program that includes a training component and has the ultimate goal of preventing or reducing pollutant runoff from municipal operations; and
 - (2) using training materials that are available from EPA, LDEQ, other organizations, or training material that you have developed or adapted, your program must include employee training to prevent and reduce storm water pollution from activities such as park and open space maintenance, fleet and building maintenance, new construction and land disturbances, and storm water system maintenance. At a minimum, your program should include:
 - (a) operation and maintenance as an integral component of all storm water management programs. The intent is to improve the efficiency of all these programs and require new programs where necessary;
 - (b) maintenance activities, maintenance schedules, and long-term inspection procedures for structural and non-structural storm water controls to reduce floatables and other pollutants discharged from your MS4;
 - (c) controls for reducing or eliminating the discharge of pollutants from streets, roads, highways, municipal parking lots, maintenance and storage areas, salt/sand storage locations and snow disposal areas operated by you, and waste transfer stations;
 - (d) procedures for properly disposing of waste removed from the separate storm sewers and areas listed above (such as dredge spoil, accumulated sediments, floatables, and other debris); and
 - (e) ways to ensure that new flood management projects assess the impacts on water quality and examine existing projects for incorporating additional water quality protection devices or practices.

- (3) You must define appropriate SCMs for pollution prevention/good housekeeping for municipal operations and measurable goals for each SCM.

13. *Measurable Goals:* In accordance with EPA's 8/1/96 policy "Interim Permitting Approach for Water Quality-Based Effluent Limitations in Storm Water Permits," each permittee shall develop and implement Measureable Goals to assess the effectiveness of the SCMs used to satisfy the requirements of the Control Measures identified in Part II.A.1-12. Measurable Goals shall include months and years in which actions will be undertaken, including interim milestones and the frequency of the actions. Additional program development resources are available through the EPA web site at <http://www.epa.gov/cbtpages/water.html>. Guidance on Minimum Control Measures and Measurable Goals and a menu of SCMs can be accessed from the "Publications" link on EPA's main storm water program page which is located at <http://www.epa.gov/npdes/stormwater>. Measurable Goals that were required to be developed and implemented during the term of your earlier permit shall be maintained and updated as necessary for the SCMs identified in the SWMP and used to satisfy the requirements of the following Control Measures:

	Control Measures	Responsible Permittees
1	Structural Controls and Storm Water Collection System Operation	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
2	Areas of New Development and Significant Redevelopment	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
3	Roadways	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
4	Flood Control Projects	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
5	Pesticide, Herbicide, and Fertilizer Application	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
6	Illicit Discharges and Improper Disposal	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
7	Spill Prevention and Response	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
8	Industrial and High Risk Runoff	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
9	Construction Site Runoff	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
10	Public Education	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
11	Monitoring Programs	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central

12	Pollution Prevention/Good Housekeeping for Municipal Operations	EBR City Parish, LDOTD, LSU, SU, Baker, Zachary, Central
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MS4 program resources are available through several EPA web sites. Program development resources are available at http://cfpub.epa.gov/npdes/whatsnew.cfm?program_id=6. Guidance on SCMs and Measurable Goals that may be useful in your program are available at <http://cfpub.epa.gov/npdes/stormwater/measurablegoals/index.cfm> and <http://cfpub.epa.gov/npdes/stormwater/menuofSCMs/index.cfm>.

14. *Green Infrastructure/Low Impact Development:* In conjunction with Part II.A.9.d (Construction Site Run Off-Site Plan Review) the permittees shall review requirements for construction developments to identify and remove impediments to use Green Infrastructure/Low Impact Development practices that could help avoid water quality degradation as well as reduce flooding potential caused by increased runoff volumes and rates associated with development.

The website www.epa.gov/npdes/greeninfrastructure serves as an informational clearinghouse for issues related to green infrastructure. Green infrastructure management approaches can be used to keep rainwater out of the sewer system so that it does not contribute to sewer overflow and also to reduce the amount of treated runoff discharging to surface waters. Green infrastructure also allows storm water to be absorbed and cleansed by soil and vegetation and either re-used or allowed to flow back into groundwater or surface water resources. Other related resources can be found at www.epa.gov/dced, www.smartgrowth.org, and www.epa.gov/owow/nps/lid.

B. Area-specific Storm Water Management Program Requirements.

1. *Interim Pollutant Reduction Plans (IPRPs) for pre-TMDL:* The permittees must prepare an Interim Pollutant Reduction Plan (IPRP) for discharges of a pollutant of concern at a level of concern to a 303(d) listed water PRIOR to the completion of a TMDL for the 303(d) listed water.
 - a. Where the impairment is for a nutrient constituent (e.g., nitrogen or phosphorus), you must at a minimum:
 - i. Within 1 year of the date of permit reissuance, identify potential significant sources of the pollutant of concern entering your MS4.
 - ii. Within 2 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of the pollutant of concern in municipal storm water contributed by residential and commercial use of fertilizers.

- iii. Within 2 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by fertilizer use at municipal operations (e.g., parks, roadways, municipal facilities).
 - iv. Within 2 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by municipal and private golf courses within your jurisdiction.
 - v. Within 3 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of the pollutant of concern in municipal storm water contributed by any other significant source identified in the source identification evaluation.
 - vi. Include in your annual reports progress on program implementation and reducing the nutrient pollutant of concern and updates to measurable goals for nutrient reduction program elements.
- b. Where the impairment is for bacteria, you must, at a minimum:
- i. Within 1 year of the date of permit reissuance, identify potential significant sources of bacteria entering your MS4.
 - ii. Within 2 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a public education program to reduce the discharge of bacteria in municipal storm water contributed (if applicable) by pets, recreational and exhibition livestock, and zoos.
 - iii. Within 2 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by areas within your MS4 served by on-site wastewater treatment systems.
 - iv. Within 2 years of the date of permit reissuance, review results to date from your Illicit Discharge Detection and Elimination program and modify as necessary to prioritize the detection and elimination of discharges contributing bacteria to the MS4.
 - v. Within 3 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement a program to reduce the discharge of bacteria in municipal storm water contributed by any other significant source identified in the source identification evaluation.

- vi. Include in your annual reports progress on program implementation and reducing bacteria and updates to measurable goals for bacteria reduction program elements.
 - c. Where the impairment is for any pollutant other than nutrients or bacteria, you must, at a minimum:
 - a. Within 1 year of the date of permit reissuance, identify potential significant sources of the pollutant of concern entering your MS4.
 - b. Within 3 years of the date of permit reissuance, develop (or modify an existing program as necessary) and implement program(s) to reduce the discharge of the pollutant of concern in municipal storm water contributed by any significant source identified in the source identification evaluation.
 - c. Include in your annual reports progress on program implementation and reducing pollutants other than nutrients or bacteria and updates to measurable goals for reduction of these program elements.
2. *Pollutant Reduction Plans (PRPs) for TMDL:* If storm water runoff from a regulated MS4 flows into a basin subsegment that is listed on the most recent EPA-approved 303(d) list, then the permittee's SWMP must address the impairments. If a TMDL has been approved for a waterbody, you must review the adequacy of your SWMP to meet the TMDL's Waste Load Allocation (WLA) set for stormwater sources. If a TMDL assigns an individual WLA specifically for your MS4's stormwater discharges, you must include that WLA as a Measurable Goal for your SWMP. If the SWMP is not meeting the applicable requirements of the TMDL, you must modify your SWMP accordingly. **The permittee must modify its storm water management program to implement the TMDL within six months of the TMDL's approval or as otherwise specified in the TMDL.** If it is determined that the control measures outlined in Part II.A are inadequate to control the discharge of pollutants from the MS4 effectively enough to meet the in stream quality criteria or protect the designated uses of the receiving stream, then the procedures outlined in LAC 33:IX.1119.C may be implemented to determine whether this permit must be modified to adequately control the pollutant(s) of concern.
3. If a TMDL assigns an individual WLA specifically for your MS4's stormwater discharges, you must include that WLA as a Measurable Goal for your SWMP. If a Waste Load Allocation (WLA) is assigned to discharges of a particular pollutant from your MS4 to a particular basin subsegment you must monitor in accordance with permit Part II.A.11.d to determine if the stormwater controls are adequate to maintain compliance with the MS4s WLA. If data collected shows that additional or modified controls are necessary to meet the

WLA for a particular pollutant then you must describe the additional or modified controls that will be implemented and include a schedule for implementation. You must continue to evaluate the adequacy of the SCMs that you have implemented to meet the WLA for a particular pollutant and modify as necessary until two continuous sampling cycles show that the WLAs are being met or that water quality standards are being met. [NOTE: You should consult the latest edition of the Louisiana Water Quality management Plan, which is available on the LDEQ website at: <http://www.deq.louisiana.gov/portal/Portals/0/planning/Water%20Quality%20Management%20Plan--volume%208.pdf> to determine if a Waste Load Allocation for your discharges has been included in a TMDL that is issued after the effective date of this permit.]

- C. **Deadlines for Program Implementation.** Except as provided in Part III, full implementation of the Storm Water Management Program shall begin on the effective date of the permit.
- D. **Roles and Responsibilities of Permittee(s).** The Storm Water Management Program, together with any attached interagency agreements, shall clearly identify the roles and responsibilities of each permittee.
- E. **Legal Authority.** Each permittee shall ensure legal authority to control discharges to and from those portions the Municipal Separate Storm Sewer System over which it has jurisdiction. This legal authority may be a combination of statute, ordinance, permit, contract, order or inter-jurisdictional agreements with permittees with existing legal authority to:
1. Control the contribution of pollutants to the Municipal Separate Storm Sewer System by Storm Water Discharges Associated with Industrial Activity and the quality of storm water discharged from sites of industrial activity;
 2. Prohibit illicit discharges to the Municipal Separate Storm Sewer System;
 3. Control the discharge of spills and the dumping or disposal of materials other than storm water (e.g. industrial and commercial wastes, trash, used motor vehicle fluids, leaf litter, grass clippings, animal wastes, etc.) into the Municipal Separate Storm Sewer System;
 4. Control through interagency or inter-jurisdictional agreements among permittees the contribution of pollutants from one portion of the Municipal Separate Storm Sewer System to another;
 5. Require compliance with conditions in ordinances, permits, contracts or orders; and
 6. Carry out all inspection, surveillance and monitoring procedures necessary to determine compliance with permit conditions.

- F. **Storm Water Management Program Resources.** Each permittee shall provide adequate finances, staff, equipment, and support capabilities to implement their activities under the Storm Water Management Program.
- G. **Storm Water Management Program Review and Update.**
1. *Storm Water Management Program Review:* Each permittee shall participate in an annual review of the current Storm Water Management Program in conjunction with preparation of the annual report required under Part V.C.
 2. *Storm Water Management Program Update:* The permittee(s) may change the Storm Water Management Program during the term of the permit in accordance with the following procedures:
 - a. The approved Storm Water Management Program shall not be changed by the permittee(s) without the approval of LDEQ, unless in accordance with Parts II.G.2.b, c, or d.
 - b. Changes adding (but not subtracting or replacing) components, controls, or requirements to the Storm Water Management Program may be made by the permittee(s) at any time upon written notification to the LDEQ.
 - c. Changes replacing an ineffective or infeasible SCM specifically identified in the Storm Water Management Program with an alternate SCM may be requested at any time. Unless denied by LDEQ, changes proposed in accordance with the criteria below shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal of the request. Such requests shall include the following:
 - (1) an analysis of why the SCM is ineffective or infeasible (including cost prohibitive),
 - (2) expectations on the effectiveness of the replacement SCM, and
 - (3) an analysis of why the replacement SCM is expected to achieve the goals of the SCM to be replaced.
 - d. Changes resulting from schedules contained in Part III may be requested following completion of an interim task or final deadline. Unless denied by the LDEQ, proposed changes meeting the criteria contained in the applicable Part III schedule shall be deemed approved and may be implemented by the permittee(s) 60 days from submittal date.
 - e. Change requests or notifications shall be made in writing, signed in accordance with Part VI.H by all directly affected permittees, and include a certification that all permittees were given an opportunity to comment on proposed changes prior to submittal to the Secretary.

3. *Storm Water Management Program Updates Required by the LDEQ:* The LDEQ may require changes to the Storm Water Management Program as needed to:
- address impacts on receiving water quality caused, or contributed to, by discharges from the Municipal Separate Storm Sewer System;
 - include more stringent requirements necessary to comply with new State or Federal statutory or regulatory requirements; or
 - include such other conditions deemed necessary by LDEQ to comply with the goals and requirements of the Clean Water Act.

Changes requested by LDEQ shall be made in writing, set forth the time schedule for the permittee(s) to develop the changes, and offer the permittee(s) the opportunity to propose alternative program changes to meet the objective of the requested modification. All changes required by LDEQ shall be made in accordance with LAC 33:IX.3105, LAC 33:IX.2903, or as appropriate LAC 33:IX.2905.

4. *Transfer of Ownership, Operational Authority, or Responsibility for Storm Water Management Program Implementation:* The permittee(s) shall implement the Storm Water Management Program on all new areas added to their portion of the municipal separate storm sewer system (or for which they become responsible for implementation of storm water quality controls) as expeditiously as practicable, but not later than three years from addition of the new areas. Implementation may be accomplished in a phased manner to allow additional time for controls that cannot be implemented immediately.

Prior to land annexation, the permittee(s) shall include a schedule for extending the Storm Water Management Program to the annexed areas in the Storm Water Management Program. At least 30 days prior to transfer of operational authority or responsibility for Storm Water Management Program implementation, all parties shall prepare a schedule for transfer of responsibility for Storm Water Management Program implementation on the affected portions of the Municipal Separate Storm Sewer System. Information on all new annexed areas and any resulting updates to the Storm Water Management Program shall be described in the annual report.

- H. **Retention of Storm Water Management Program Records.** The permittee shall retain the Storm Water Management Program developed in accordance with Parts II and III for at least 3 years after coverage under this permit terminates.

PART III. SCHEDULES FOR IMPLEMENTATION AND COMPLIANCE.**A. Implementation and Augmentation of Storm Water Management Program(s).**

The permittee(s) shall comply with the following schedules for Storm Water Management Program implementation and augmentation and permit compliance.

Table III.A - Implementation and Augmentation of Storm Water Management Program.

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Structural Controls - Part II.A.1	Submit update report and certification of on-going maintenance/inspection practices of the System Maintenance Program in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
New and Re-development - Part II.A.2	Submit update report and certification of on-going maintenance/inspection practices of the System Maintenance Program in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Roadways - Part II.A.3	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Flood Control - Part II.A.4	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish	May 1 Annually
Pesticide, Herbicide,... - Part II.A.5	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Illicits - Part II.A.6.a	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Illicits - Part II.A.6.b	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Illicits - Part II.A.6.d	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Illicits - Part II.A.6.e	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish	May 1 Annually
Illicits - Part II.A.6.f	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Industrial & High Risk Runoff - Part II.A.8	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish	May 1 Annually
Construction - Part II.A.9	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish	May 1 Annually
Monitoring - Part II.A.11.a	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Monitoring - Part II.A.11.b	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually

Storm Water Management Program Component	Activity	Responsible Permittee(s)	Compliance Date
Monitoring – Part II.A.11.c & Part II.A.11.d	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Representative Monitoring – Part V.A	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Legal Authority – Part II.E	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish	May 1 Annually
Roles of Permittees – Part II.D	Submit a full report including the summary of the test results and estimate of the annual pollutant loadings in the Annual Report as required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
	Submit update report and certification of continuance of program and program updates in the Annual Report required under Part V.C.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Measurable Goals – Part II.A	Submit update report of continual evaluation and updates/changes to the Measurable Goals for the SCMs used to satisfy the control measures specified in Part I.A.1-13.	EBR City/Parish, LDOTD, LSU, SU	May 1 Annually
Green Infrastructure/Low Impact Development – Part II.A	Submit update report of progress to identify and remove impediments to use Green Infrastructure/Low Impact Development practices as specified in Part II.A.14.	EBR City/Parish, LDOTD, LSU, SU	May 1, 2012 then Annually thereafter

B. Reporting compliance with schedules. No later than 14 days following a date for a specific action (interim milestone or final deadline) identified in the above schedule(s), the permittee(s) shall submit a written notice of compliance or noncompliance to LDEQ in accordance with Parts V.E.

C. Updating Storm Water Management Program. The permittee(s) shall update the Storm Water Management Program(s), as appropriate, in response to changes required by Part III.A. Such updates shall be made in accordance with Part II.G.2.

LAS000101 / AI 90427
Part IV, Page 1

PART IV. DISCHARGE LIMITATIONS.

- A. **Discharge Limitations.** Numeric discharge limitations are not established at this time.

PART V. MONITORING AND REPORTING REQUIREMENTS.

A. Storm Event Discharges.

1. *Representative Monitoring:* Monitoring shall be conducted on representative outfalls, internal sampling stations, and/or instream monitoring locations to characterize the quality of storm water discharges from the Municipal Separate Storm Sewer System.
 - a. Monitoring Requirements: Refer to Table V.A.1.a.
 - b. Outfall Descriptions: Refer to Table V.A.1.b.
 - c. Alternate representative monitoring locations may be substituted for just cause during the term of the permit. Requests for approval of alternate monitoring locations shall be made to LDEQ in writing and include the rationale for the requested monitoring station relocation. Unless disapproved by LDEQ, use of an alternate monitoring location (except for outfalls with numeric effluent limitations) may commence 30 days from the date of the request. A program for the collection of baseline monitoring data shall be proposed for all substitute outfalls.

LAS000101 / AI 90427
Part V, Page 2

Table V.A.1.a. - Representative Monitoring Requirements: Outfalls 001 - 005

PARAMETERS (unit) (MQL, if applicable) ¹	REPORT FOR EACH MONITORING PERIOD ² (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY ³
	Minimum	Average	Maximum	Grab	Composite	
Biochemical Oxygen Demand (BOD ₅) (mg/l)		Yes	Yes		Yes	2/year
Chemical Oxygen Demand (COD) (mg/l)		Yes	Yes		Yes	2/year
Oil and Grease (mg/l)		Yes	Yes	Yes		2/year
Total Suspended Solids (TSS) (mg/l)		Yes	Yes		Yes	2/year
Total Dissolved Solids (TDS) (mg/l)		Yes	Yes		Yes	2/year
Total Kjeldahl Nitrogen (TKN) (mg/l) ⁴		Yes	Yes		Yes	2/year
Dissolved Nitrite (mg/l)		Yes	Yes		Yes	2/year
Dissolved Nitrate (mg/l)		Yes	Yes		Yes	2/year
Dissolved Ammonia (mg/l)		Yes	Yes		Yes	2/year
Total Phosphorus (mg/l)		Yes	Yes		Yes	2/year
Dissolved Phosphorus (mg/l)		Yes	Yes		Yes	2/year
Total Cadmium (µg/l) (1 µg/l)		Yes	Yes		Yes	2/year
Total Copper (µg/l) (10 µg/l)		Yes	Yes		Yes	2/year
Total Mercury (µg/l) (0.2 µg/l)		Yes	Yes		Yes	2/year
Total Nickel (µg/l) (5 µg/l)		Yes	Yes		Yes	2/year
Total Lead (µg/l) (5 µg/l)		Yes	Yes		Yes	2/year

PARAMETERS (unit) (MQL, if applicable) ¹	REPORT FOR EACH MONITORING PERIOD ² (each sample type)			SAMPLE TYPE(S)		MONITORING FREQUENCY ³
	Minimum	Average	Maximum	Grab	Composite	
Total Zinc (µg/l)		Yes	Yes		Yes	2/year
Fecal Coliform (colonies/100 ml)		Yes	Yes	Yes		2/year
pH (S.U.)	Yes		Yes	Yes		2/year
Hardness (as CaCO ₃) (mg/l)	Yes	Yes	Yes	Yes		2/year
Temperature (°C)	Yes	Yes	Yes	Yes		2/year
Total PCBs (µg/l)		Yes	Yes		Yes	2/year
Chlorides (mg/l)		Yes	Yes	Yes		2/year
Chlorine (mg/l)		Yes	Yes	Yes		2/year

¹ If any individual analytical test result is less than the parameter's minimum quantification level (MQL) listed, a value of zero may be used in the DMR calculations and reporting requirements for that test result.

² Monitoring shall occur two times during the monitoring year. Storm water samples shall be collected during the period **May – October** and again during the period **November – April**. **The Annual Report that is due no later than May 1 shall include analytical results for the monitoring events that are conducted during the period November 1 to October 31.**

³ Monitoring shall occur two times during the monitoring year. Storm water samples are to be collected during the period October 1 through September 30 during each year of the permit term. **However**, if you choose to implement a rapid bioassessment monitoring program under the Alternative Bioassessment Option (See Part V.A.2.) monitoring shall be in accordance with the requirements defined in Part V.A.2.b.

⁴ Total ammonia plus organic nitrogen.

LAS000101 / AI 90427
Part V, Page 4

Table V.A.1.b - Representative Monitoring Outfall Descriptions

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
001	Station is an open channel drainage canal surrounding a shopping center. Sampling site is located approximately 350 yards from Hwy 64 in Zachary, on the downstream side of a 2 ft cement culvert behind the shopping center.	New Commercial: Drains approximately 26 acres of shopping center and adjacent businesses.	City of Baton Rouge/Parish of East Baton Rouge
002	Station is an unlined drainage canal at Tom Drive 0.1 mile east of Wooddale Blvd. in Baton Rouge. Sampling site is upstream from a double 7x5 ft box culvert at Tom Drive.	Industrial: Drains approximately 109.1 acres of various businesses, warehouses, and distribution centers.	City of Baton Rouge/Parish of East Baton Rouge
003	Station is an open-channel, concrete-lined drainage ditch, referred to as Ditch VII, behind Lot 114 at the circle of Sun Belt Court in Baton Rouge. Sampling site is located where Ditch VII enters a larger drainage canal via an elevated spillway.	Established Commercial: Drains approximately 157 acres of a new and rapidly developing commercial and light industrial area of Baton Rouge known as Indutriplex.	City of Baton Rouge/Parish of East Baton Rouge

OUTFALL	LOCATION	DESCRIPTION	RESPONSIBLE PERMITTEE
004	Station is located on a concrete-lined drainage canal on Goodwood Blvd., about 1/2 mile east of Sherwood Forest in Baton Rouge. Sampling site is just upstream from a double 9x7 ft box culvert under Goodwood Blvd.	Residential: Drains approximately 550.4 acres of established single-family residential land use.	City of Baton Rouge/Parish of East Baton Rouge
005	Station is located near Interstate Highway I-12 west of Essen Lane overpass, Latitude 30.41792, Longitude 91.10244	Highway: Drains approximately 28 acres of interstate road surfaces, adjacent shoulders and trimmed grass right-of-way	City of Baton Rouge/Parish of East Baton Rouge LDOTD

2. *Representative Monitoring - Rapid Bioassessment Option:* The permittee(s) has/have the option of developing and implementing a rapid bioassessment monitoring program. The EPA document Rapid Bioassessment Protocols for Use in Streams and Wadeable Rivers: Periphyton, Benthic, Macroinvertebrates, and Fish: Second Edition provides an updated compilation of the most cost-effective and scientifically valid bioassessment methods. The entire document is available on the EPA website at <http://www.epa.gov/owow/monitoring/rbp/>.

- a. The permittee(s) shall obtain all necessary aquatic wildlife collection permits from appropriate State and/or Federal agencies (e.g. Louisiana Department of Wildlife and Fisheries).
- b. Permittee(s) utilizing the rapid bioassessment monitoring option shall conduct monitoring of the separate storm sewer system as described in Part V.A.1, except the monitoring for years 2, 3, and 5 are no longer required. All other requirements of Part V.A.1, A.3, and A.4 (e.g.: samples types, parameters) remain unchanged.
- c. If the permittee(s) elects to develop and implement a rapid bioassessment monitoring program, the permittee(s) shall submit an approvable monitoring program to the LDEQ no later than one year from the effective date of this permit. An approvable program must include:
 - (1) monitoring of at least two waterbodies receiving storm water discharges from the municipal separate storm sewer system plus a reference site located within the same ecological region as the municipal separate storm sewer system;
 - (2) monitoring of each station at least twice per year, with monitoring conducted at essentially the same time periods each year; and
 - (3) concurrent (e.g. within a day or two) monitoring of the reference site each time a station located in the receiving waters of the municipal separate storm sewer system is monitored.

Unless disapproved by LDEQ within 60 days, a proposed rapid bioassessment monitoring plan meeting the criteria herein shall be deemed approved and the permittee(s) may implement the alternate rapid bioassessment program.

- d. The permittee(s) shall notify LDEQ (addresses provided in Part V.E), in writing, at least 14 days prior to commencing an alternate rapid bioassessment monitoring program.

3. *Storm Event Data:* For Part V.A.1 and any additional sampling conducted for Part V.A.5, quantitative data shall be collected to estimate pollutant loadings and event mean concentrations for each parameter sampled. Records shall be maintained of all analytical results, the date and duration (in hours) of the storm event(s) sampled; rainfall measurements or estimates (in inches) of the storm event which generated the sampled runoff; the duration (in hours) between the storm event sampled and the end of the previous measurable (greater than 0.1 inch rainfall) storm event; and an estimate of the total volume (in gallons) of the discharge sampled.
4. *Sample Type, Collection, and Analysis:* The following requirements apply only to storm event discharge samples collected in accordance with Part V.A.1 and A.5.
 - a. Composite Samples: Flow weighted composite samples shall be collected as follows:
 - (1) Composite Method - Flow-weighted composite samples may be collected manually or automatically. For both methods, equal volume aliquots may be collected at the time of sampling and then flow-proportioned and composited in the laboratory, or the aliquot volume may be collected based on the flow rate at the time of sample collection and composited in the field.
 - (2) Sampling Duration - Samples shall be collected for at least the first three (3) hours of discharge. Where the discharge lasts less than three (3) hours, the entire discharge must be sampled.
 - (3) Aliquot Collection - A minimum of three aliquots per hour, separated by at least fifteen (15) minutes, shall be collected. Where more than three aliquots per hour are collected, comparable intervals between aliquots shall be maintained (e.g. six aliquots per hour, at least seven (7) minute intervals).
 - b. Grab Samples: Grab samples shall be taken during the first two hours of discharge.
 - c. Representative Storm Events: Samples shall be collected from the discharge resulting from a storm event that is greater than 0.1 inches in magnitude and that occurs at least 72 hours from the previously measurable (greater than 0.1 inch rainfall) storm event.

The required 72 hour storm event interval is waived where the preceding measurable storm event did not result in a measurable discharge. The required 72 hour storm event interval is also waived where the permittee(s) documents that less than a 72 hour interval is representative for local storm events during the season when sampling is being conducted.

- d. Analytical Methods: Analysis and collection of samples shall be done in accordance with the methods specified at 40 CFR Part 136. Where an approved Part 136 method does not exist, any available method may be used unless a particular method or criterion for method selection (such as sensitivity) has been specified in the permit.
5. *Seasonal Loadings and Event Mean Concentrations.* All necessary sampling data shall be collected to provide estimates for each major outfall (or appropriate sub-watershed) of seasonal pollutant loadings and event mean concentrations for a representative storm event for the parameters listed in **Table V.A.1.a - Representative Monitoring Requirements**. This information may be estimated from the representative monitoring locations and shall take into consideration land uses and drainage areas for the outfall. The estimates of seasonal loadings and event mean concentrations shall be included in the Annual Report for year four of the permit.
- B. Floatables Monitoring. Permittee(s) shall establish two monitoring locations for removal of floatable material in discharges to or from the Municipal Separate Storm Sewer System. Floatable material shall be collected at the frequency necessary for maintenance of the removal devices, but not less than twice per year. The program shall maintain records of the amount of floatable debris removed from each monitoring location during normal maintenance activity. The amount of material collected shall be estimated either in weight or volume.
- C. Annual Report. Each permittee shall contribute to the preparation of an annual system-wide Annual Report to be submitted by no later than **May 1**. The report shall cover the previous year from **October 1 to September 30** (items 1, 2, 3, 5, 6, and 7), and **November 1 to October 31** (item 4) and include the following separate sections, with an overview for the entire Municipal Separate Storm Sewer System and subsections for each permittee:
 1. The status of implementing the storm water management program(s) (status of compliance with any schedules established under this permit shall be included in this section);
 2. Measures taken to comply with any applicable TMDLs or WLAs. Include a report on information related to PRPs for TMDL waters and IPRPs for pre-TMDL waters. Report progress on meeting the WLA measurable goal for any applicable WLA from a TMDL. Submit all data/analysis related to PRPs and/or IPRPs in the Annual Report.

LAS000101 / AI 90427

Part V, Page 9

3. Proposed changes to the storm water management program(s), including the addition of new SCMs and the Measurable Goals for the new SCMS, or the modification of any existing SCMs and/or Measurable Goals. The modification of an existing Measurable Goal must be clearly justified and supported by explaining how the modification is expected to more effectively measure the performance of its associated SCM;
4. Revisions, if necessary, to the assessments of controls and the fiscal analysis reported in the permit application under LAC 33:IX.2511.D.2.d and D.2.e;
5. A summary of the data, including monitoring data, that is accumulated throughout the reporting year;
6. Annual expenditures for the reporting period, with a breakdown for the major elements of the storm water management program, and the budget for the year following each annual report;
7. A summary describing the number and nature of enforcement actions, inspections, and public education programs;
8. Identification of water quality improvements or degradation; and
9. Certification of activities and practices required in Table III.A.

D. **Certification and Signature of Reports.** All reports required by the permit and other information requested by LDEQ shall be signed and certified in accordance with Part VI.H.

E. **Reporting: Where and When to Submit.**

1. Representative monitoring results (Part V.A.1) obtained during the reporting period running from **November 1 to October 31** shall be submitted on Discharge Monitoring Report (DMR) Form(s) along with the annual report required by Part V.C. A separate DMR Form is required for each monitoring period (season) specified in Part V.A.1.
2. Signed copies of DMRs required under Part V, the Annual Report required by Part V.C, and all other reports required herein, shall be submitted to both the LDEQ and EPA Region 6. **Submit two (2) copies of these reports to the LDEQ Enforcement Division and one copy to the EPA Water Enforcement Branch at:**

LAS000101 / AI 90427
Part V, Page 10

Enforcement Division
Office of Environmental Compliance
Department of Environmental Quality
P.O. Box 4312
Baton Rouge, Louisiana 70821-4312

U.S. Environmental Protection Agency
EPA Region 6 (6EN-WC)
Water Enforcement Branch
1445 Ross Avenue
Dallas, TX 75202-2733

3. Requests for Storm Water Management Program updates, changes in monitoring locations, or application for an individual permit shall be submitted to:

Permits Division
Office of Environmental Services
Department of Environmental Quality
P.O. Box 4313
Baton Rouge, Louisiana 70821-4313

4. Additional Notification. In addition, the permittee(s) shall provide copies of discharge monitoring reports, annual reports, requests for Storm Water Management Program updates, or changes in monitoring locations, and all other reports required herein, to:

Capital Regional Office
Office of Environmental Compliance
P. O. Box 4312
Baton Rouge, Louisiana 70821-4312

PART VI. STANDARD PERMIT CONDITIONS.

- A. **Duty to Comply.** The permittee(s) must comply with all conditions of this permit insofar as those conditions are applicable to each permittee, either individually or jointly. Any permit noncompliance constitutes a violation of the Act and is grounds for enforcement action; for permit termination, revocation and reissuance, or modification; or for denial of a permit renewal application.

B. **Penalties for Violations of Permit Conditions.**

LA. R.S. 30:2025 provides for civil penalties for violations of these regulations and the Louisiana Environmental Quality Act. LA. R.S. 30:2076.2 provides for criminal penalties for violation of any provisions of the LPDES program or any order or any permit condition or limitation issued under or implementing any provisions of the LPDES program.

Any person may be assessed an administrative penalty by the LDEQ under LA. R.S. 30:2025 for violating a permit condition or limitation implementing any of the requirements of the LPDES program in a permit issued under the regulations or the Louisiana Environmental Quality Act. (Penalties are listed in their entirety in Subtitle II of Title 30 of the Louisiana Revised Statutes.)

1. *Criminal Penalties*

- a. **Negligent Violations:** The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who negligently violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any such provision in a permit issued under the LPDES by the Secretary, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$2,500 nor more than \$25,000 per day of violation, or by imprisonment for not more than 1 year, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$50,000 per day of violation, or imprisonment of not more than two years, or both.
- b. **Knowing Violations:** The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES, or any requirement imposed in a pretreatment program approved under the LPDES is subject to a fine of not less than \$5,000 nor more than \$50,000 per day of violation, or imprisonment for not more than 3 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$100,000 per day of violation, or imprisonment of not more than six years, or both.

- c. **Knowing Endangerment:** The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly violates any provision of the LPDES, or any order issued by the Secretary under the LPDES, or any permit condition or limitation implementing any such provisions in a permit issued under the LPDES by the Secretary, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily injury, shall, upon conviction, be subject to a fine of not more than \$250,000, or by imprisonment for not more than 15 years, or both. A person which is an organization shall, upon conviction of violating this Paragraph, be subject to a fine of not more than one million dollars. If a conviction of a person is for a violation committed after a first conviction of such person under this Paragraph, the maximum punishment shall be doubled with respect to both fine and imprisonment.
- d. **False Statement:** The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall upon conviction, be subject to a fine of not more than \$10,000 or by imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person, he shall be subject to a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.

2. *Civil Penalties.*

The Louisiana Revised Statutes LA.R.S. 30:2025 provides that any person found to be in violation of any requirement of this Subtitle may be liable for a civil penalty, to be assessed by the Secretary, and Assistant Secretary, or the court, of not more than the cost to the state of any response action made necessary by such violation which is not voluntarily paid by the violator, and a penalty of not more than \$32,500 for each day of violation. However, when any such violation is done intentionally, willfully, or knowingly, or results in a discharge or disposal which causes irreparable or severe damage to the environment or if the substance discharged is one which endangers human life or health, such person may be liable for an additional penalty of not more than one million dollars.

- C. **Duty to Reapply.** If the permittee wishes to continue an activity regulated by this permit after the permit expiration date, the permittee must apply for and obtain a new permit. The application shall be submitted at least 180 days prior to expiration of this permit. The Secretary may grant permission to submit an application less than 180 days in advance but no later than the permit expiration date. Continuation of expiring permits shall be governed by regulations promulgated at LAC 33:IX.2321 and any subsequent amendments. The permit renewal application shall consist of the most recent Annual Report, the current Storm Water Management Plan, and any other information that the Department deems necessary to complete or correct deficiencies. No permit application package shall be deemed complete and ready for disposition until all reasonable additional information has been supplied.

LAS000101 / AI 90427

Part VI, Page 3

- D. **Need to Halt or Reduce Activity Not a Defense.** It shall not be a defense for a permittee(s) in an enforcement action that it would have been necessary to halt or reduce the permitted activity in order to maintain compliance with the conditions of this permit.
- E. **Duty to Mitigate.** The permittee(s) shall take all reasonable steps to minimize or prevent any discharge in violation of this permit which has a reasonable likelihood of adversely affecting human health or the environment. The permittee shall also take all reasonable steps to minimize or correct any adverse impact on the environment resulting from noncompliance with the permit, including such accelerated or additional monitoring as necessary to determine the nature and impact of the non-complying discharge.
- F. **Duty to Provide Information.** The permittee(s) shall furnish to LDEQ, within a time specified by LDEQ, any information which LDEQ may request to determine whether cause exists for modifying, revoking or reissuing, or terminating this permit, or to determine compliance with this permit. The permittee(s) shall also furnish to the LDEQ, upon request, copies of records required to be kept by this permit.
- G. **Other Information.** When the permittee becomes aware that it failed to submit any relevant facts in a permit application or submitted incorrect information in the application or in any report to the LDEQ, the permittee shall promptly submit such facts or information.
- H. **Signatory Requirements.** All Discharge Monitoring Reports, storm water management plans, storm water pollution prevention plans, reports, certifications or information either submitted to the LDEQ or that this permit requires be maintained by the permittee(s), shall be signed and certified.

All reports required by the permit and other information requested by the LDEQ shall be signed by a person described in LAC 33:IX.2503.A, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

1. The authorization is made in writing by a person described in LAC 33:IX.2503.A;
2. The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of manager, operator, superintendent, position of equivalent responsibility, or an individual or position having overall responsibility for environmental matters for the company, (a duly authorized representative may thus be either a named individual or any individual occupying a named position); and,
3. The written authorization is submitted to the LDEQ.

4. **Certification:** Any person signing documents under this section shall make the following certification:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

- I. **Penalties for Falsification of Monitoring Systems.** The Louisiana Revised Statutes LA. R.S. 30:2076.2 provides that any person who knowingly makes any false material statement, representation, or certification in any application, record, report, plan or other document filed or required to be maintained under the LPDES or who knowingly falsifies, tampers with, or renders inaccurate, any monitoring device or method required to be maintained under the LPDES, shall, upon conviction, be subject to a fine of not more than \$10,000, or imprisonment for not more than 2 years, or both. If a conviction of a person is for a violation committed after a first conviction of such person under this subsection, he shall be subject to a fine of not more than \$20,000 per day of violation, or by imprisonment of not more than 4 years, or both.
- J. **Oil and Hazardous Substance Liability.** Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties to which the permittee is or may be subject under section 311 of the Clean Water Act.
- K. **Property Rights.** This permit does not convey any property rights of any sort, nor any exclusive privilege.
- L. **Severability.** If any provision of these rules and regulations, or the application thereof, is held to be invalid, the remaining provisions of these rules and regulations shall not be affected, so long as they can be given effect without the invalid provision. To this end, the provisions of these rules and regulations are declared to be severable.
- N. **Requiring a Separate Permit.**
1. The Agency may require any co-permittee authorized by this permit to obtain a separate LPDES permit. Any interested person may petition LDEQ to take action under this paragraph. LDEQ may require any co-permittee authorized to discharge under this permit to apply for a separate LPDES permit only if the co-permittee has been notified in writing that a permit application is required. This notice shall include a brief statement of the reasons for this decision, an application form (as necessary), a statement setting a deadline for the co-permittee

to file the application, and a statement that on the effective date of the separate LPDES permit, coverage under this permit shall automatically terminate. Separate permit applications shall be submitted to the address shown in Part V.E. LDEQ may grant additional time to submit the application upon request of the applicant. If an owner or operator fails to submit in a timely manner a separate LPDES permit application as required by LDEQ, then the applicability of this permit to the co-permittee is automatically terminated at the end of the day specified for application submittal.

2. Any co-permittee authorized by this permit may request to be excluded from the coverage of this permit by applying for a separate permit. The co-permittee shall submit a separate application as specified by LAC 33:IX.2511.D with reasons supporting the request to LDEQ. Separate permit applications shall be submitted to the address shown in Part V.E. The request may be granted by the issuance of a separate permit if the reasons cited by the co-permittee are adequate to support the request.

N. State/Environmental Laws.

1. Nothing in this permit shall be construed to preclude the institution of any legal action or relieve the permittee from any responsibilities, liabilities, or penalties established pursuant to any applicable State law or regulation under authority preserved by Section 510 of the Clean Water Act.
2. No condition of this permit shall release the permittee from any responsibility or requirements under other environmental statutes or regulations.

O. Proper Operation and Maintenance.

1. The permittee shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the permittee to achieve compliance with the conditions of this permit and with the requirements of storm water management programs. Proper operation and maintenance also includes adequate laboratory controls and appropriate quality assurance procedures. This provision requires the operation of backup or auxiliary facilities or similar systems which are installed by a permittee only when the operation is necessary to achieve compliance with the conditions of the permit.
2. The permittee shall provide an adequate operating staff which is duly qualified to carry out operation, maintenance and other functions necessary to ensure compliance with the conditions of this permit.

P. Monitoring and Records.

1. Samples and measurements taken for the purpose of monitoring shall be representative of the monitored activity. All samples shall be taken at the outfall location(s) indicated in the permit. The LDEQ shall be notified prior to any changes in the outfall location(s). Any changes in the outfall location(s) may be subject to modification, revocation and reissuance in accordance with LAC 33:IX.2903.
2. The permittee shall retain records of all monitoring information including all calibration and maintenance records and all original strip chart recordings for continuous monitoring instrumentation, copies of the reports required by this permit, and records of all data used to complete the application for this permit, for a period of at least 3 years from the date of the sample, measurement, report or application. This period may be extended by request of the LDEQ at any time.
3. Records of monitoring information shall include:
 - a. The date, exact place, and time of sampling or measurements;
 - b. The individual(s) who performed the sampling or measurements;
 - c. The date(s) analyses were performed;
 - d. The time(s) analyses were begun;
 - e. The individual(s) who performed the analyses;
 - f. The analytical techniques or methods used; and
 - g. The results of all quality control procedures.

Q. Monitoring Methods. All sampling and testing shall be conducted in accordance with 40 CFR Part 136, unless other test procedures have been specified in this permit.

R. Inspection and Entry. The permittee shall allow the administrative authority or an authorized representative (including an authorized contractor acting as a representative of the Administrator), upon the presentation of credentials and other documents as may be required by law, to:

1. Enter the permittee's premises where a regulated facility or activity is located or conducted or where records must be kept under the conditions of this permit.

Enter upon the permittee's premises where a discharge source is or might be located or in which monitoring equipment or records required by a permit are kept for inspection or sampling purposes. Most inspections will be unannounced and should be allowed to begin immediately, but in no case shall begin more than

thirty (30) minutes after the time the inspector presents his/her credentials and announces the purpose(s) of the inspection. Delay in excess of thirty (30) minutes shall constitute a violation of this permit. However, additional time can be granted if the inspector or the Administrative Authority determines that the circumstances warrant such action; and

2. Have access to and copy, at reasonable times, any records that the department or its authorized representative determines are necessary for the enforcement of this permit. For records maintained in either a central or private office that is open only during normal office hours and is closed at the time of inspection, the records shall be made available as soon as the office is open, but in no case later than the close of business the next working day;
3. Inspect at reasonable times any facilities, equipment (including monitoring and control equipment), practices, or operations regulated or required under this permit; and
4. Sample or monitor at reasonable times, for the purposes of assuring permit compliance or as otherwise authorized by the Clean Water Act or the Louisiana Environmental Quality Act, any substance or parameters at any location.

5. Sample Collection

- (1) When the inspector announces that samples will be collected, the permittee will be given an additional thirty (30) minutes to prepare containers in order to collect duplicates. If the permittee cannot obtain and prepare sample containers within this time, he is considered to have waived his right to collect duplicate samples and the sampling will proceed immediately. Further delay on the part of the permittee in allowing initiation of the sampling will constitute a violation of this permit.
- (2) At the discretion of the administrative authority, sample collection shall proceed immediately (without the additional 30 minutes described in Section Q.5.(1) above) and the inspector shall supply the permittee with a duplicate sample.

S. Permit Actions. This permit may be modified, revoked and reissued, or terminated for cause in accordance with LAC 33:IX.2903, 2905, 2907, 3105 and 6509. The causes may include, but are not limited to the following:

- (a) Noncompliance by the permittee with any condition of the permit;
- (b) The permittee's failure in the application or during the permit reissuance process to disclose fully all relevant facts, or the permittee's misrepresentation of any relevant facts at any time;

- (c) A determination that the permitted activity endangers human health or the environment and can only be regulated to acceptable levels by permit modification or termination;
- (d) A change in any condition that requires either a temporary or a permanent reduction or elimination of any discharge;
- (e) Failure to pay applicable fees under the provisions of LAC 33:IX, Chapter 13; or
- (f) Change of ownership or operational control.

The filing of a request by the permittee for a permit modification, revocation, and reissuance, or termination, or a notification of planned changes or anticipated noncompliance does not stay any permit condition.

- T. **Additional Monitoring by the Permittee.** If the permittees monitor more frequently than required by this permit using test procedures approved under 40 CFR Part 136 (see LAC 33:IX.4901) or as specified in this permit, the results of this monitoring shall be included in the calculation and reporting of the data submitted in the Discharge Monitoring Report (DMR) form specified by the LDEQ.

PART VII. PERMIT MODIFICATION.

- A. **Modification of the Permit.** This permit covers an existing source with discharges to 303(d) waterbodies for which TMDLs have not been completed. The permit may be reopened to incorporate the results of any total maximum daily load allocation which may later be approved for the receiving waterbodies. In addition, the permit may be reopened and modified during the term of the permit to address:
1. changes in the State's Water Quality Management Plan, including Water Quality Standards;
 2. changes in State or Federal statutes or regulations;
 3. add a new permittee who is the owner or operator of a portion of the Municipal Separate Storm Sewer System;
 4. changes in portions of the Storm Water Management Program that are considered permit conditions; or
 5. other modifications deemed necessary by the Secretary to meet the requirements of the Act.

All modification to the permit will be made in accordance with LAC 33:IX.2903, LAC 33:IX.2905, and LAC 33:IX.3105.

- B. **Termination of Coverage for a Single Permittee.** Permit coverage may be terminated, in accordance with the provisions of LAC 33:IX.2907 and LAC 33:IX.3105, for a single permittee without terminating coverage for other permittees.
- C. **Modification of Storm Water Management Program(s).** Only those portions of the Storm Water Management Programs specifically required as permit conditions shall be subject to the modification requirements of LAC 33:IX.3105. Addition of components, controls, or requirements by the permittee(s); replacement of an ineffective or infeasible SCM implementing a required component of the Storm Water Management Program with an alternate SCM expected to achieve the goals of the original SCM; and changes required as a result of schedules contained in Part III shall be considered minor changes to the Storm Water Management Program and not modifications to the permit. (See also Part II.G.)
- D. **Changes in Monitoring Outfalls.** Changes in monitoring outfalls, other than those with specific numeric effluent limitations (as described in Part V.A.1.c), shall be considered minor modifications to the permit and will be made in accordance with the procedures at LAC 33:IX.2905.

PART VIII. DEFINITIONS.

All definitions contained in Section 502 of the Act shall apply to this permit and are incorporated herein by reference. Unless otherwise specified, additional definitions of words or phrases used in this permit are as follows:

- A. "Stormwater Control Measures" ("SCMs") means schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants to waters of the State. SCMs also include treatment requirements, operating procedures, and practices to control facility site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.
- B. "CWA" or "The Act" means Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92-500, as amended Pub. L. 95-217, Pub. L. 95-576, Pub. L. 96-483 and Pub. L. 97-117, 33 U.S.C. 1251 et.seq.
- C. "Control Measure" as used in this permit, refers to any Best Management Practice or other method used to prevent or reduce the discharge of pollutants to waters of the state.
- D. "Co-permittee" is a permittee to an LPDES permit that is only responsible for permit conditions relating to the discharge for which it is operator.
- E. "Core Municipality" means, for the purpose of this permit, the municipality whose corporate boundary (unincorporated area for counties and parishes) defines the municipal separate storm sewer system. (ex. City of Dallas for the Dallas Municipal Separate Storm Sewer System, Harris County for unincorporated Harris County).
- F. "Discharge" for the purpose of this permit, unless indicated otherwise, refers to discharges from the Municipal Separate Storm Sewer System.
- G. "Flow-weighted composite sample" means a composite sample consisting of a mixture of aliquots collected at a constant time interval, where the volume of each aliquot is proportional to the flow rate of the discharge.
- H. "Grab sample" means an individual sample collected in less than 15 minutes.

- I. "Green Infrastructure" generally refers to systems and practices that use or mimic natural processes to infiltrate, evapotranspire (the return of water to the atmosphere either through evaporation or by plants), or reuse storm water or runoff on the site where it is generated. Green infrastructure approaches that are currently used include green roofs; trees and tree boxes; rain gardens; vegetated swales; pocket wetlands; infiltration planters; porous and permeable pavements; vegetated median strips; reforestation/re-vegetation; and protection and enhancement of riparian buffers and floodplains.
- J. "Illicit connection" means any man-made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.
- K. "Illicit discharge" is any discharge to a municipal separate storm sewer that is not composed entirely of storm water except discharges pursuant to an LPDES permit (other than the LPDES permit for discharges from the municipal separate storm sewer) and discharges resulting from fire fighting activities.
- L. "Individual Residence" refers, for the purposes of this permit, to single or multi-family residences. (e.g. single family homes and duplexes, townhomes, apartments, etc.)
- M. "Landfill" means an area of land or an excavation in which wastes are placed for permanent disposal, and which is not a land application unit, surface impoundment, injection well, or waste pile.
- N. "Land application unit" means an area where wastes are applied onto or incorporated into the soil surface (excluding manure spreading operations) for treatment or disposal.
- O. "Large and Medium Municipal Separate Storm Sewer System" means all municipal separate storm sewers that are either:
 - (i) located in an incorporated place (city) with a population of 100,000 or more as determined by the 1990 Decennial Census by the Bureau of Census (these cities are listed in Appendices F and G of LAC 33:IX); or
 - (ii) located in the counties with unincorporated urbanized populations of 100,000 or more, except municipal separate storm sewers that are located in the incorporated places, townships or towns within such counties (these counties are listed in Appendices H and I of LAC 33:IX); or
 - (iii) owned or operated by a municipality other than those described in paragraph (i) or (ii) and that are designated by the LDEQ as part of the large or medium municipal separate storm sewer system.
- P. "LDEQ" means the Louisiana Department of Environmental Quality.

- Q. "MEP" is an acronym for "Maximum Extent Practicable," the technology-based discharge standard for Municipal Separate Storm Sewer Systems established by CWA §402(p). Section 402(p)(3)(B)(iii) of the Federal Clean Water Act requires "controls to reduce the discharge of pollutants to the maximum extent practicable, including management practices, control techniques and system, design and engineering methods, and such other provisions as the Administrator or the State determines appropriate for the control of such pollutants." MEP is defined as a standard for water quality that applies to all MS4 operators regulated under the LPDES Storm Water Program. Since no precise definition of MEP exists, it allows for maximum flexibility on the part of MS4 operators as they develop, implement, and refine their program.
- R. "MS4" is an acronym for "Municipal Separate Storm Sewer System" and is used to refer to either a Large, Medium, or Small Municipal Separate Storm Sewer System (e.g. "the Dallas MS4").
- S. "MQL" means Minimum Quantification Level which is the lowest concentration of an analyte that can be reliably achieved within specified limits of precision and accuracy during routine laboratory operating conditions.
- T. "Municipal Separate Storm Sewer" refers to a publicly-owned conveyance or system of conveyances that discharges to waters of the U.S. and is designed or used for collecting or conveying storm water, is not a combined sewer, and is not part of a publicly-owned treatment works (POTW). (See LAC 33:IX.2511.B.8 for a complete definition.)
- U. "Office" means the Office of Environmental Services within the Department of Environmental Quality.
- V. "Operator" means the person or legal entity responsible for the operation and/or maintenance of a facility with a discharge covered by these regulations that meets either of the following two criteria: (1) the party has operational control over the storm water management plan (including the ability to make modifications to the plan), or (2) the party has day-to-day operational control of those activities which are necessary to ensure compliance with the storm water management plan or other permit conditions (e.g., they are authorized to direct workers to carry out activities in the storm water management plan or comply with other permit conditions).
- W. "Part '#'" refers, unless otherwise indicated, to Part "#" of this permit (e.g. Part V.E.2.).
- X. "Permittee" refers to any "person," as defined at LAC 33:IX.2313, authorized by this LPDES permit to discharge to Waters of the State.

- Y. "Point Source" means any discernible, confined, and discrete conveyance, including but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, landfill leachate collection system, vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture or agricultural storm water runoff.
- Z. "Pollutants of Concern" (POC) include biological oxygen demand (BOD); sediment or a parameter that addresses sediment (such as total suspended solids (TSS), turbidity or siltation; pathogens; oil and grease (O&G); and any pollutant that has been identified as a cause of impairment in any water body to which the MS4 discharges.
- AA. "Secretary" means the Secretary of the Louisiana Department of Environmental Quality.
- BB. "Storm sewer", unless otherwise indicated, refers to a municipal separate storm sewer.
- CC. "Storm Water" means storm water runoff, snow melt runoff, and surface runoff and drainage.
- DD. "Storm Water Discharge Associated with Industrial Activity" is defined at LAC 33:IX.2511.B.14.
- EE. "Storm Water Management Program" refers to a comprehensive program to manage the quality of storm water discharged from the municipal separate storm sewer system. For the purposes of this permit, the Storm Water Management Program is considered a single document, but may actually consist of separate programs (e.g. "chapters") for each permittee.
- FF. "Surface Water" is defined as all lakes, bays, rivers, streams, springs, ponds, impounding reservoirs, wetlands, swamps, marshes, water sources, drainage systems and other surface water, natural or artificial, public or private within the state or under its jurisdiction that are not a part of a treatment system allowed by state law, regulation, or permit.
- GG. "SWMP" is an acronym for "Storm Water Management Program."
- HH. "Time-weighted composite" means a composite sample consisting of a mixture of equal volume aliquots collected at a constant time interval.

- II. "Total Maximum Daily Loads (TMDLs)" are water quality assessments that determine the source or sources of pollutants of concern for a particular waterbody, consider the maximum amounts of pollutants the waterbody can assimilate, and then allocate to each source a set level of pollutants that it is allowed to discharge (i.e., a "wasteload allocation").
- JJ. "Type 1 facilities" are municipal landfills; hazardous waste treatment, disposal and recovery facilities; facilities that are subject to EPCRA Title III, Section 313; and industrial facilities the permittee(s) determine are contributing a substantial pollutant loading to the Municipal Separate Storm Sewer System.
- KK. "Type 2 facilities" are other municipal wastes treatment, storage, or disposal facilities (e.g., POTWs, transfer stations, incinerators); and industrial or commercial facilities the permittee(s) believe are contributing pollutants to the Municipal Separate Storm Sewer System.
- LL. "Waters of the State" for the purposes of the Louisiana Pollutant Discharge Elimination System, all surface waters within the state of Louisiana and, on the coastline of Louisiana and the Gulf of Mexico, all surface waters extending there from three miles into the Gulf of Mexico. For purposes of the Louisiana Pollutant Discharge Elimination System, this includes all surface waters which are subject to the ebb and flow of the tide, lakes, rivers, streams, (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, impoundments of waters within the state of Louisiana otherwise defined as "waters of the United States" in 40 CFR 122.2, and tributaries of all such waters. "Waters of the state" does not include waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Clean Water Act, 33 U.S.C. 1251, *et seq.*